



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C.

March 20, 2019

Re: 2017-07-234

VIA ELECTRONIC MAIL

Austin R. Evers
American Oversight
1030 15th Street, N.W., Suite B255
Washington, D.C. 20005

Email: foia@americanoversight.org

Dear Mr. Evers:

This is the Department of the Treasury's first interim response to your Freedom of Information Act (FOIA) request dated July 25, 2017, seeking the following:

1. Records reflecting any recusal determinations made or issued for Drew Maloney, Deputy Undersecretary for Legislative Affairs.
2. Records reflecting any conflicts or ethics waivers or authorizations issued for Drew Maloney including authorizations pursuant to 5 C.F.R. § 2635.502.
3. Communications between (a) Drew Maloney (or anyone acting on his behalf) and (b) any employee or representative of Hess Corporation, the American Petroleum Institute, or any affiliate of those entities. This request includes communications on which Drew Maloney was carbon copied or blind carbon copied.
4. All calendar entries reflecting any meetings, events, or telephone calls between or involving Drew Maloney (or anyone acting on his behalf) and any employee or representative of Hess Corporation, the American Petroleum Institute, or any affiliate of those entities. For calendar entries created in Outlook or similar programs, the documents should be produced in "memo" form to include all invitees, any notes, and all attachments. Please do not limit your search to Outlook calendars - we request the production of any calendar - paper or electronic, whether on government-issued or personal devices - used to track or coordinate how individuals allocate their time on agency business.

Thank you for clarifying your request on December 4, 2018 and explaining that you are "requesting the recusals, waivers, or authorizations, not the underlying 278 financial disclosure information subject to the OGE form 201."

Your request has been processed under the provisions of the FOIA, 5 U.S.C. § 552. In connection with items #1 and #2 of your request, a reasonable search of DO files located 3 documents, totaling to 8 pages of materials, responsive to your request. After carefully considering these records, I am releasing 7 pages in whole and 1 page in part. The withheld information is protected from disclosure under the FOIA pursuant to 5 U.S.C. § 552(b) (6). FOIA Exemption 6 provides protection for records and information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information.

There are no fees assessed at this time for items #1 and #2 of your request since allowable charges fell below \$25.

Regarding items #3 and #4 of your request, please be advised that Treasury is continuing to search its files for records responsive to your request. We will respond to you once those searches are completed and release determinations are made.

If you are dissatisfied with my interim action on your request, you may appeal this decision within 90 days from the date of the Department's final response letter. Your appeal must be in writing, signed by you or your representative, and should contain the rationale for the appeal. Your appeal should be addressed to: Freedom of Information Act Appeal, FOIA and Transparency, Privacy, Transparency, and Records, Department of the Treasury, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.


If you have further questions, please reach out to me by telephone on 202 927-8989 or by email at karen.edwards@treasury.gov.

Sincerely,

Karen Edwards
FOIA Analyst, FOIA and Transparency
Privacy, Transparency, and Records (PTR)

Enclosure
Responsive Document Package (8 pages)

MEMORANDUM FOR: ELIZABETH A. HORTON
ALTERNATE DESIGNATED AGENCY
ETHICS OFFICIAL

FROM: Andrew K. Maloney 
Assistant Secretary, Legislative Affairs

SUBJECT: Ensuring Compliance with Ethics Commitments (Updated to reflect divested assets)

This memorandum describes the screening procedures that I have established to ensure compliance with ethics restrictions applicable to my service as Assistant Secretary for Legislative Affairs.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment. I also understand that it is my responsibility to continually monitor my financial interests and those imputed to me to make certain that I am not involved in any matter that affects my financial interests or that could cause a reasonable person to question my impartiality.

My financial interests under 18 U.S.C. § 208 that I will divest include:

- AKM Revocable Living Trust
- SKM Revocable Living Trust
- Alphakeys European Real Estate Opportunities Fund (over de minimis)
- Madison Dearborn Fund (over de minimis)
- Petro Riv Oil Corp. (over de minimis)
- Amazon Com (over de minimis)
- Apple (over de minimis)
- Halliburton Company (over de minimis)
- Newfield Exploration Co. (over de minimis)
- Facebook, Inc. (over de minimis)
- Kosmos Energy LTD (over de minimis)
- AK STL Hldg Corp (over de minimis)
- United Bankshares, Inc. (over de minimis)
- Alibaba Group Holdings (over de minimis)

- Anheuser Busch Inbev (over deminimis)
- Baker Hughes Inc. (over deminimis)
- Cigna Corporation (over deminimis)
- Cypress Semiconductor Corporation (over deminimis)
- Intrexon Corp. (over deminimis)
- Kellogg Co. (over deminimis)
- Keycorp New (over deminimis)
- Lowes (over deminimis)
- Oracle Corp. (over deminimis)
- Salesforce Com (over deminimis)
- Pop and Suki (over deminimis)
- Carlyle Energy Fund

In addition, for a period of one year, or two years in the case of my former employer or clients, I will not participate personally and substantially in any particular matter involving specific parties in which any of these entities is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d), and, if applicable, I obtain a waiver of paragraph 6 of the Ethics Pledge.

Applicable entities include:

- Hess Corporation (Former employer)
- Johns Hopkins University (Spouse's employer- ongoing)
- Meridian International Center (Former trustee)
- Randolph Macon College (Former trustee)
- Business Government Relations Council
- U.S. Chamber of Commerce

In order to help ensure that I do not participate in matters directly and predictably affecting any of the entities identified above, I have taken or will take the following steps:

1. I have instructed (b) (6) to screen all Departmental matters directed to my attention that involve or affect outside entities or sectors and that require my participation to determine if they directly and predictably affect any of the identified entities listed above.
2. I will provide (b) (6) with a copy of this memorandum so that she may fully understand the purpose and scope of my recusal obligations and this screening arrangement. In order to help ensure that I do not inadvertently participate in matters from which I should be recused, I am directing her to seek the assistance of a Department ethics official if she is ever uncertain whether or not I may participate in a matter.
3. In the event of any changes to this screening arrangement, I will provide a copy of the revised screening arrangement memorandum to you and (b) (6).

CERTIFICATION OF ETHICS AGREEMENT COMPLIANCE Senate Confirmed Presidential Appointee		
1. Appointee's Information	a. Appointee's Name:	to be completed by OGE Andrew K. Maloney
	b. Position Title:	to be completed by OGE Assistant Secretary for Legislative Affairs
	c. Agency:	to be completed by OGE U.S. Department of the Treasury
	d. Date Ethics Agreement Signed:	to be completed by OGE May 1, 2017
	e. Date Confirmed:	to be completed by OGE August 3, 2017
	f. Due Date for Certification of Ethics Agreement Compliance:	to be completed by OGE November 8, 2017
2. Resignations	I completed all of the resignations indicated in my ethics agreement before I assumed the duties of my current government position.	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
3. Divestitures	a. I have completed all of the divestitures indicated in my ethics agreement. I also understand that I may not repurchase these assets during my appointment without OGE's prior approval.	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A
	b. I have filed a period transaction report, or periodic transaction reports, (OGE Form 278-T) to disclose the completion of these agreed upon divestitures.	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A Filing Date(s) of OGE Form 278-T Report(s):
4. Managed Accounts	If I have a managed account or use the services of an investment professional, I have notified the manager or professional of the limitations indicated in my ethics agreement. In addition, I am continuing to monitor purchases.	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
5. Interim Recusals	I complied with my interim recusal obligations pending the divestitures required by my ethics agreement.	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A

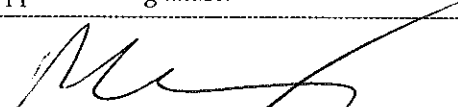
THIS CERTIFICATION WILL BE POSTED FOR PUBLIC VIEWING ON OGE'S WEBSITE. 1

Andrew K. Maloney

<p>6.</p> <p>Recusals</p> <p>(Note: These factual statements describe the appointee's current status. They are not intended to modify ethics agreement commitments or create new recusal obligations.)</p>	<p>a. I am recusing from particular matters in which I know I have a <u>personal or imputed</u> financial interest directly and predictably affected by the matter, unless I have received a waiver or qualify for a regulatory exemption.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
	<p>b. I am recusing from particular matters in which any former employer or client I served in the past year is a party or represents a party, unless I have been authorized under 5 C.F.R. § 2635.502(d).</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p>
	<p>c. I am recusing from particular matters in which any former employer or client I served in the two years prior to my appointment is a party or represents a party, unless I have received a waiver under Exec. Order 13770.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p>
<p>7.</p> <p>Waivers and Authorizations</p>	<p>a. I received a waiver pursuant to 18 U.S.C. § 208.</p> <p>If yes, indicate the date of the waiver and indicate the financial interest covered by the waiver.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Date:</p> <p>Financial interest:</p>
	<p>b. I received a waiver pursuant to Executive Order 13770.</p> <p>If yes, indicate the date of the waiver and the subject of the waiver (i.e., applicable paragraph of the ethics pledge, parties, particular matters, specific issue areas, as applicable).</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Date:</p> <p>Subject:</p>
	<p>c. I received an authorization pursuant to 5 C.F.R. § 2635.502(d).</p> <p>If yes, indicate date of authorization and identify the covered person(s) as to whom you have been authorized (e.g., former employer, former client, spouse's employer, spouse's current client, etc.).</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Date:</p> <p>Covered person(s):</p>
	<p>d. I received a waiver pursuant to 5 C.F.R. § 2635.503(c).</p> <p>If yes, indicate the date of the waiver and identify the former employer or payer.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Date:</p> <p>Former employer or payer:</p>

THIS CERTIFICATION WILL BE POSTED FOR PUBLIC VIEWING ON OGE'S WEBSITE. 2

Andrew K. Maloney

<p>8.</p> <p>Payments, Accelerations, or Divestitures Required to be Completed Prior to Entering Government Service</p>	<p>Mark this box if not applicable:</p> <p><input checked="" type="checkbox"/></p>	<p>a. If I committed that I would forfeit a financial interest or payment, unless it was received or accelerated prior to my assumption of the duties of the government position:</p>	<p><input type="radio"/> I received it (or it was accelerated) <u>prior to</u> my assumption of the duties of the position.</p> <p><input type="radio"/> I received it (or it was accelerated) <u>after</u> my assumption of the duties of the position.</p> <p><input type="radio"/> I forfeited it.</p>
<p>9.</p> <p>Requirements for Regular Appointees</p>	<p>I have completed my initial ethics briefing, pursuant to 5 C.F.R. § 2638.305.</p> <p>If you are a Special Government Employee (SGE) or career Foreign Service Officer (FSO), select N/A.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p>	
	<p>I have signed the ethics pledge pursuant to Executive Order 13770.</p> <p>If you are a SGE or career FSO or previously signed the pledge, select N/A.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p>	
<p>10.</p> <p>Additional Ethics Agreement Requirements</p>	<p>to be completed by OGE</p>	<p>to be completed by appointee</p> <p>I am complying with these requirements as described in the adjacent box.</p> <p><input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p>	
<p>11.</p> <p>Comments of Appointee</p>	<p>The process to sell/transfer Alpha Keys Cinven Fund and Blackstone Strategic Alliance fund should be completed by Dec 1st, 2017. The process is underway, but takes more time than anticipated.</p>		
<p>Any intentionally false or misleading statement or response provided in this certification is a violation of law punishable by a fine or imprisonment, or both, under 18 U.S.C. § 1001.</p>			
<p>I certify that the information I have provided is complete and accurate.</p>	<p>Appointee's Signature:</p> 		<p>Date:</p> <p>10/30/17</p>

THIS CERTIFICATION WILL BE POSTED FOR PUBLIC VIEWING ON OGE'S WEBSITE. 3

Rochelle Granat
Designated Agency Ethics Official
Office of the General Counsel
U.S. Department of the Treasury
1500 Pennsylvania Ave., NW
Washington D.C., 20220

Dear Ms. Granat:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Assistant Secretary for Legislative Affairs of the Department of the Treasury.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I will divest my interests in the following entities within 90 days of my confirmation: Carlyle Ireland Fund, General Electric, Bank of America Corporation, Zions Bancorporation, BB&T Corporation, Huntington Bancshares Incorporated, KeyCorp, Hartford Financial Services, J.P. Morgan Chase & Company, Cigna, United Bankshares Inc., Alpha Keys Cinven Fund, Blackstone Strategic Alliance Fund, Greenhill Capital Partners, Lightyear Fund II, L.P., Alpha Keys Real Estate Opportunity Fund, Southeast Land Company and Oppenheimer Holdings Incorporated. With regard to each of these entities, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of these entities until I have divested them, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

Upon confirmation, I will resign from my position with Hess Corporation. Because I will continue to own common stock in Hess Corporation, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Hess Corporation, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

I do not own any shares of Hess Corporation phantom stock; vested restricted stock; or vested or unvested stock options for shares in Hess Corporation. I will forfeit my unvested

restricted stock upon my separation. I will receive a payment that is calculated based on a pro-rated share of my unvested restricted stock at the time of my separation before I assume the duties of the position of Assistant Secretary. I also will forfeit my performance share units upon my separation. I will receive a payment from Hess Corporation that is calculated based on a pro-rated share of my performance share units at the time of my separation before I assume the duties of the position of Assistant Secretary. For a period of two years after my receipt of these payments, I will not participate personally and substantially in any particular matter involving specific parties in which I know Hess Corporation, is a party or represents a party, unless I first receive a written waiver pursuant to 5 C.F.R. § 2635.503(c).

Following my resignation, I will receive a severance payment from Hess Corporation, as is the corporation's practice for departing executive members. I will receive this payment before I assume the duties of the position of Assistant Secretary. I will also receive a bonus for the work I performed during calendar year 2017 up to the date of departure from the company, as is the corporation's practice for departing executive members. I will receive this payment before I assume the duties of the position of Assistant Secretary. I will also receive a payment for the Long Term Incentive Grant for the work I performed during calendar year 2017 up to the date of departure from the company, as is the corporation's practice for departing executive members. I will receive this payment before I assume the duties of the position of Assistant Secretary. For a period of two years after my receipt of these payments, I will not participate personally and substantially in any particular matter involving specific parties in which I know Hess Corporation, is a party or represents a party, unless I first receive a written waiver pursuant to 5 C.F.R. § 2635.503(c).

My spouse is employed by Johns Hopkins University in a position for which she receives a fixed annual salary. For as long as my spouse continues to work for Johns Hopkins University, I will not participate personally and substantially in any particular matter involving specific parties in which I know Johns Hopkins University is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I will resign from my trustee positions with the Meridian International Center and Randolph Macon College. I will also resign from the board of directors of the Business Government Relations Council and from the public affairs council of the U.S. Chamber of Commerce. For a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which I know any of these entities is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I will retain my position as a trustee of the AKM Revocable Living Trust and the SKM Revocable Living Trust. I will not receive any fees for the services that I provide as a trustee during my appointment to the position of Assistant Secretary. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of these trusts, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

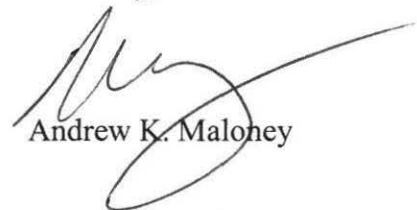
I use the services of an investment professional and I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

I will meet in person with you during the first week of my service in the position of Assistant Secretary in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will document my compliance with this ethics agreement by notifying you in writing when I have completed the steps described in this ethics agreement.

I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13770) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew K. Maloney', with a large, sweeping flourish extending from the end of the signature.

Andrew K. Maloney